

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated October 4, 2007 (hereinafter Office Action) have been considered. Claims 1-34 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 28-34 based on 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner submits that use of the term “any transmitting medium” in the Specification is evidence that the Applicants intend the scope of “computer readable medium” to encompass wireless/radio waves. The Applicants respectfully disagree. The portion of the Specification cited in the Office Action describes “a computer program that exists permanently or temporarily on any computer-usable medium or in any transmitting medium which transmits such a program.” (Specification, page 17, paragraph 0066). However, this does not state or imply that a computer-readable medium is intended to include a transmitting medium. This portion of the specification points out that a computer program may *exist* in a transmitting medium or a computer usable medium. In contrast, Claim 28 specifically recites “a computer readable medium with instructions *stored* thereon.” Nonetheless, to facilitate prosecution, Applicants have amended Claim 28 to read “computer readable storage medium.” Withdrawal of the rejection is respectfully solicited.

Claims 1-6, 8, 14-18, 20-25, 27-32 and 34 are rejected based on 35 U.S.C. §102(b) as being anticipated by Wireless Application Group, “User Agent Profile Specification”, November 10, 1999 (hereinafter “WAG”). The Applicants respectfully traverse, and submit that the claims as originally filed are not anticipated by WAG. According to the Office Action, the use of the term “startup sequence” is sufficiently broad to cover establishment of a WSP session. (Office Action, p. 7, paragraph 20). However, this interpretation does not take into account that the “startup sequence” is set forth in the claims as a “*device* startup sequence.” “All words in a claim must be considered in judging the patentability

of a claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Even when the term “device startup sequence” is given the broadest reasonable interpretation consistent with the specification, WAG still fails to show a capability descriptor being communicated from a mobile device as part of a device startup sequence,

However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention. These amendments make more clear what is believed to have been originally set forth in these claims, but now states so more specifically. In particular, independent Claims 1, 14, 21, and 28 have been amended to set forth that the device startup sequence comprises one of a hardware initialization of the mobile computing arrangement and a network registration. These amendments are fully supported in the Specification as filed (*see, e.g.*, Specification page 10, paragraph 0041 and page 13, paragraph 0051). In contrast, WAG only describes the communication of Capability and Preference Information (CPI) for specific user initiated WSP sessions. WAG does not expressly or inherently show a CPI being sent in response to either a network registration or a hardware initialization of a mobile device. As a result, Applicants submit that independent Claims 1, 14, 21, and 28 as amended are allowable over WAG.

Dependent Claims 2-6 and 8 depend from independent Claim 1; dependent Claims 15-18 and 20 depend from independent Claim 14; dependent Claims 22-25 and 27 depend from independent Claim 21; and dependent Claims 29-32 and 34 depend from independent Claim 28. These dependent claims also stand rejected under 35 U.S.C. §102(b) as being anticipated by WAG. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 14, 21, and 28. These dependent claims include all of the

limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from WAG. Therefore, dependent Claims 2-6, 8, 15-18, 20, 22-25, 27, 29-32, and 34 are also in condition for allowance.

Claims 7, 9, 11, 19, 26 and 33 are rejected based on 35 U.S.C. §103(a) as being unpatentable over WAG in view of U.S. Publication No. 2004/0052233 by Skog et al. (hereinafter “Skog”). Claim 10 is rejected based on 35 U.S.C. §103(a) as being unpatentable over WAG and Skog in view of U.S. Publication No. 2003/0202016 by Acton (hereinafter “Acton”). Claims 12 and 13 are rejected based on 35 U.S.C. §103(a) as being unpatentable over WAG in view of Open Mobile Alliance, “User Agent Profile”, OMA-UAPProf-v2_0-20030520-C, May 20, 2003 (hereinafter “OMA”). The Applicants respectfully traverse the rejections. Applicants submit that the rejections based on the various combinations of WAG with Skog, Acton, and OMA fail to teach or suggest all of the limitations of the rejected claims, particularly in view of the present amendments.

For the rejections of Claims 7, 9-13, 19, 26, and 33, the Office Action relies on WAG as teaching the substance of the claims from which these claims are dependent, namely, Claims 1, 14, 21, and 28. None of Skog, Acton, and/or OMA are relied upon as providing a remedy to the deficiencies of WAG as it pertains to independent Claims 1, 14, 21, and 28 nor do Skog, Acton, and/or OMA provide such a remedy. Combinations of these secondary references with WAG fail to teach or suggest the inventions set forth in Claims 1, 14, 21, and 28, as there is at least no reference to communicating a capability descriptor from a mobile device or arrangement as part of a device startup sequence, wherein the device startup sequence comprises one of a hardware initialization of the mobile computing arrangement and a network registration. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 7, 9-13, 19,

26, and 33 are not rendered obvious by the respective combinations of WAG with Skog, Acton, and/or OMA, and withdrawal of the rejections is respectfully solicited.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.073PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

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By: 

William B. Ashley
Reg. No. 51,419